

FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
31-CA-135530Date Filed
8/25/14

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Donald Bailey d/b/a McDonald's & McDonald's USA LLC as single/joint employer

b. Tel. No.

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)
2215 W. Martin Luther King Blvd.
Los Angeles, CA 90008

e. Employer Representative

g. e-Mail

h. Number of workers employed

i. Type of Establishment (factory, mine, wholesaler, etc.)
Restaurantj. Identify principal product or service
Fast Food

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the employer, by and through its managers, supervisors and agents, has interfered with, restrained and coerced employees in the exercise of their rights under Section 7 of the National Labor Relations Act by making unlawful statements and threats of discipline to a worker regarding the exercise of concerted and pro-union activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Los Angeles Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

Post Office Box 555065
Los Angeles, CA 90055

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

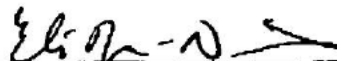
4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



(signature of representative or person making charge)

Eli Naduris-Weissman

(Print type name and title or office, if any)

Tel. No. (626) 796-7555

Office, if any, Cell No.

Fax No. (626) 577-0124

e-Mail
enw@rsglabor.com

Address Rothner, Segall & Greenstone
510 South Marengo Avenue, Pasadena, California 91101-3115 Aug. 25, 2014
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420



Download
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August 27, 2014

George S. Howard, Attorney at Law
Jones Day
12265 El Camino Real Ste 300
San Diego, CA 92130-4096

Mhairi L. Whitton, Attorney at Law
Jones Day
12265 El Camino Real, Suite 300
San Diego, CA 92130

Caralyn M. Olie, Attorney at Law
LaPointe Law, P.C.
1200 N Shermer Rd
Ste 310
Northbrook, IL 60060

Re: Donald Bailey d/b/a McDonald's &
McDonald's USA LLC as single/joint
employer
Case 31-CA-135530

Dear Mr. Howard, Ms. Whitton, Ms. Olie:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Rodolfo Fong-Sandoval whose telephone number is (310) 235-6418. If this Board agent is not available, you may contact Regional Attorney Brian Gee whose telephone number is (310) 235-7145.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Donald Bailey d/b/a McDonald's &
McDonald's USA LLC as single/joint
employer
Case 31-CA-135530

- 3 -

August 27, 2014

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

Mori Rubin
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Donald Bailey d/b/a McDonald's &
McDonald's USA LLC as single/joint
employer
2215 W. Martin Luther King Blvd.
Los Angeles, CA 90008

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Donald Bailey d/b/a McDonald's & McDonald's USA LLC as single/joint employer

CASE NUMBER

31-CA-135530

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**

A. STATE OF INCORPORATION OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$**YES****NO**B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: _____

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may

cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**DONALD BAILEY D/B/A MCDONALD'S &
MCDONALD'S USA LLC AS SINGLE/JOINT
EMPLOYER**

Charged Party

and

LOS ANGELES ORGANIZING COMMITTEE

Charging Party

Case 31-CA-135530

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 27, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

George S. Howard Jr., Attorney at Law
Jones Day
12265 El Camino Real Ste 300
San Diego, CA 92130-4096

Caralyn M. Olie, Attorney at Law
LaPointe Law, P.C.
1200 N Shermer Rd
Ste 310
Northbrook, IL 60606

Mhairi L. Whitton, Attorney at Law
Jones Day
12265 El Camino Real, Suite 300
San Diego, CA 92130

Donald Bailey d/b/a McDonald's &
McDonald's USA LLC as single/joint
employer
2215 W. Martin Luther King Blvd.
Los Angeles, CA 90008

August 27, 2014

Date

Jorge Romero, Designated Agent of NLRB

Name

/s/Jorge Romero

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420



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August 27, 2014

Eli Naduris-Weissman, Attorney
Rothner, Segall & Greenstone
510 S Marengo Ave
Pasadena, CA 91101-3115

Re: Donald Bailey d/b/a McDonald's &
McDonald's USA LLC as single/joint
employer
Case 31-CA-135530

Dear Mr. Naduris-Weissman:

The charge that you filed in this case on August 25, 2014 has been docketed as case number 31-CA-135530. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Rodolfo Fong-Sandoval whose telephone number is (310) 235-6418. If this Board agent is not available, you may contact Regional Attorney Brian Gee whose telephone number is (310) 235-7145.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Mori Rubin". The signature is written in a cursive, flowing style.

Mori Rubin
Regional Director

cc: Los Angeles Organizing Committee
Post Office Box 555065
Los Angeles, CA 90055

From: Jonathan Cohen <jcohen@RSGLABOR.COM>
Sent: Tuesday, September 2, 2014 7:44 PM
To: Fong Sandoval, Rudy; Eli Naduris-Weissman
Cc: Guadalupe Palma; Hannah Joravsky
Subject: RE: New ULPs

Rudy,

Here is our offer of proof regarding (b) (6), (b) (7)(C) testimony. Lupe is out for a few weeks, so please reach out to Hannah Jarovsky (213-447-4058) to schedule (b) (6), (b) (7)(C) affidavit. (b) (6), (b) (7)(C) is also copied here if you'd like to email (b) (6), (b) (7)(C) regarding scheduling.

OFFER OF PROOF:

(b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) at the (b) (6), (b) (7)(C) franchise. (b) (6), (b) (7)(C) may be a (b) (6), (b) (7)(C), but we are not sure.

(b) (6), (b) (7)(C) shift was (b) (6), (b) (7)(C). Sometime during (b) (6), (b) (7)(C) shift, (b) (6), (b) (7)(C) approached (b) (6), (b) (7)(C) in the store and asked to have 5 minutes of (b) (6), (b) (7)(C) time. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) looked (b) (6), (b) (7)(C) up on the internet and saw (b) (6), (b) (7)(C) on a union flyer. (b) (6), (b) (7)(C) first asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) was in the union. (b) (6), (b) (7)(C) responded that (b) (6), (b) (7)(C) was. (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) whether (b) (6), (b) (7)(C) knew what that meant, and (b) (6), (b) (7)(C) responded that it meant (b) (6), (b) (7)(C) supported the rights of workers.

(b) (6), (b) (7)(C) then asked (b) (6), (b) (7)(C) what the union has told (b) (6), (b) (7)(C) and what benefits it has offered (b) (6), (b) (7)(C) and said that the union was only passing through and not from California. (b) (6), (b) (7)(C) then said that when the union lost it would leave (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) would be alone. (b) (6), (b) (7)(C) further said that since (b) (6), (b) (7)(C) was already on the internet and publicly in support of the union, if the boss found out it could fire (b) (6), (b) (7)(C). Additionally, (b) (6), (b) (7)(C) said that since (b) (6), (b) (7)(C) was on the internet in support of the union, other businesses wouldn't hire (b) (6), (b) (7)(C). Then (b) (6), (b) (7)(C) said that if they did win \$15, the people in the union would be fired and an outside company would take over cleaning the lobby of the restaurant. (b) (6), (b) (7)(C) also said that the union was just using the workers. Finally, (b) (6), (b) (7)(C) emphasized that the Walmart campaign had been on strike for a long time and hadn't gone anywhere.

(b) (6), (b) (7)(C) responded that the union is not a new thing, that employees were just fighting for what's right and want to gain support from other workers. (b) (6), (b) (7)(C) said that the employees were doing the same thing that Cesar Chavez did and that Chavez would have supported Walmart workers.

(b) (6), (b) (7)(C) responded that raises should come from the government not from the boss. (b) (6), (b) (7)(C) then tried to relate to (b) (6), (b) (7)(C) by saying that (b) (6), (b) (7)(C) was also from (b) (6), (b) (7)(C) and that the union is just like Mexican politicians since they just "promise and promise." (b) (6), (b) (7)(C) also said that something to the effect of "this is like communism and if you were a communist you would be in jail." (b) (6), (b) (7)(C) also said that (b) (6), (b) (7)(C) knew that there were (b) (6), (b) (7)(C) in the store that are in the union and that "poor them" since they don't know what they are getting into. (b) (6), (b) (7)(C) said that "they should be on the side of the boss."

Soon another (b) (6), (b) (7)(C) chimed in and said that to (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) should talk to (b) (6), (b) (7)(C) boss because (b) (6), (b) (7)(C) feels like you are attacking (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) then asked (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) had "seen a (b) (6), (b) (7)(C) that comes and orders a drink and talks to workers?" (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) "call the cops on (b) (6), (b) (7)(C) or get a restraining order against (b) (6), (b) (7)(C)."

We're happy to provide you with case citations once you take (b) (6), (b) (7)(C) affidavit, but we think it is clear that (b) (6), (b) (7)(C) comments were unlawfully coercive threats and also constituted unlawful interrogation.

Don't hesitate to call with any questions or concerns.

Regards,

Jonathan Cohen
Rothner, Segall & Greenstone
510 South Marengo Avenue
Pasadena, California 91101-3115
(626) 796-7555
fax (626) 577-0124

This e-mail may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by reply e-mail and delete all copies of this message

From: Fong Sandoval, Rudy [mailto:Rudy.FongSandoval@nrlrb.gov]
Sent: Tuesday, September 02, 2014 2:09 PM
To: Eli Naduris-Weissman
Cc: Jonathan Cohen; Guadalupe Palma
Subject: RE: New ULPs

Jonathan, with respect to the two ULP's regarding the overbroad policies, I appreciate if you can provide me with your legal position statement by the end of this week.

Regarding, (b) (6), (b) (7)(C) I appreciate an offer of proof by end of this week as well. Thereafter, I will call (b) (6), (b) (7)(C) to set up an affidavit. Thank you.

From: Eli Naduris-Weissman [mailto:enaduris-weissman@rsglabor.com]
Sent: Monday, August 25, 2014 4:25 PM
To: Fong Sandoval, Rudy
Cc: Jonathan Cohen
Subject: New ULPs

Rudy:

Please find attached the three ULPs that were filed on behalf of LA OC today. The witness in the new ULP concerning threats is named (b) (6), (b) (7)(C). Please coordinate with Lupe Palma to find a time to bring (b) (6), (b) (7)(C) in. I can also send an offer of proof regarding (b) (6), (b) (7)(C) testimony.

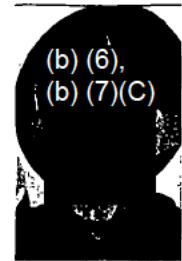
Eli

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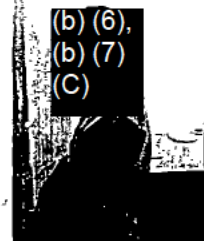
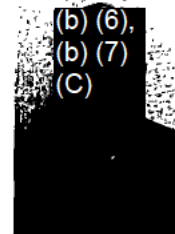
Eli Naduris-Weissman
Rothner, Segall & Greenstone
510 South Marengo Avenue
Pasadena, California 91101-3115
Tel. (626) 796-7555
Fax (626) 577-0124

WE KEEP GROWING STRONGER!

**FIGHT FOR \$15
LOS ANGELES**



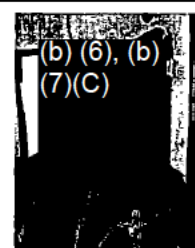
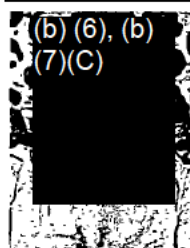
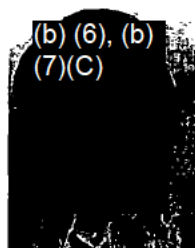
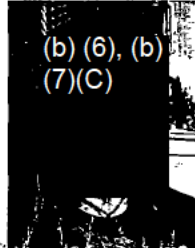
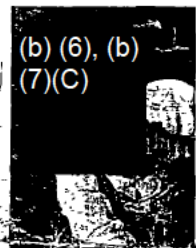
(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

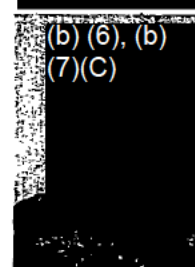
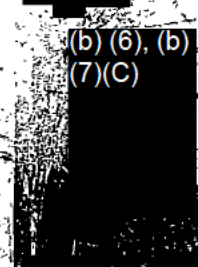
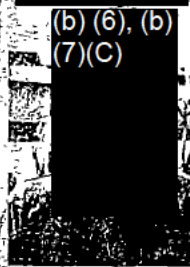
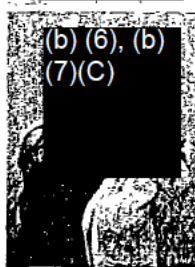
(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

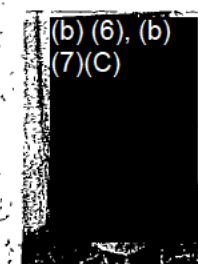
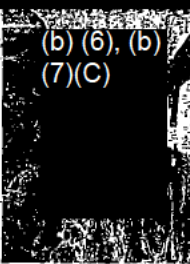
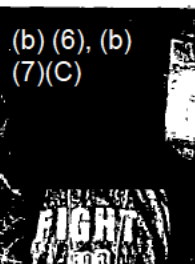
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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

WE KEEP FIGHTING FOR RESPECT. WE WON'T BACK DOWN!

@FIGHTFOR15LA

FB.ME/FIGHTFOR15LA

(213) 361-0935

Exh 1A

NUESTRA FUERZA SIGUE CRECIENDO!

**LUCHA \$15
POR
LOS ÁNGELES**

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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

SEGUIREMOS LUCHANDO POR RESPETO. NO NOS ECHAREMOS PARA ATRÁS!

@FIGHTFOR15LA

FB.ME/FIGHTFOR15LA

(213) 361-0935

Exh 1B

From: Fong Sandoval, Rudy
Sent: Wednesday, October 1, 2014 9:14 AM
To: 'Caralyn Olie'
Subject: RE: Charge 135530 McD's at 2215 W. Martin Luther King Blvd., Los Angeles, CA

I understand. I will get back to you should there be any additional issues where I might need a response as to 2215 W. MLK. Thank you.

From: Caralyn Olie [mailto:colie@lapointelaw.net]
Sent: Tuesday, September 30, 2014 2:12 PM
To: Fong Sandoval, Rudy
Subject: RE: Charge 135530 McD's at 2215 W. Martin Luther King Blvd., Los Angeles, CA

Hi Rudy,

As we don't represent the owner of 2215 W. Martin Luther King at this time, I do not feel comfortable answering questions on your behalf. If we are retained in the future we will cooperate fully as we have with the charges filed against D. Bailey Management Company.

Best regards,
Cara

Caralyn Olie
LaPointe Law, P.C.
1200 Shermer Road, Suite 310 | Northbrook, IL 60062
Phone 847.786.2509 | Fax 847.786.2650
colie@lapointelaw.net | www.lapointelaw.net

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From: Fong Sandoval, Rudy [mailto:Rudy.FongSandoval@nlrb.gov]
Sent: Tuesday, September 30, 2014 12:24 PM
To: Caralyn Olie
Subject: Charge 135530 McD's at 2215 W. Martin Luther King Blvd., Los Angeles, CA

Caralyn, thank you for your reply noted below. I left you a voice mail on it because I'm a bit confused.

My office sent you the letter acknowledging filing of the above-noted charge including a copy of the charge on 8.27.14. See attached. I also recall leaving you a voice mail on about 9.8 informally letting you know I would be providing details for 135530 soon. That is why your email below came as a surprise to me.

The evidence I have so far states that the McDonald's at 2215 W. Martin Luther King is owned by (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C). Based on your email below you do not represent that entity, I just called that McDonald's at 323 299 2259 and,

obviously after introducing myself and explaining what the call was about, asked to speak to the representative of that facility and (b) (6), (b) (7)(C) told me that the owner of that facility was (b) (6), (b) (7)(C) was not in. I left a message to have (b) (6), (b) (7)(C) call me back.

Can you shed any light on who owns the McDonald's at issue?

Thank you.

From: Caralyn Olie [<mailto:colie@lapointelaw.net>]
Sent: Monday, September 29, 2014 5:18 PM
To: Fong Sandoval, Rudy; Mhairi L Whitton
Cc: George S Howard
Subject: RE: Charges regarding rules in employee handbook

Rudy,

We do not currently represent the entity that operates 2215 W. Martin Luther King Boulevard, which is not owned by D. Bailey Management.

Thank you,
Cara

Caralyn Olie
LaPointe Law, P.C.
1200 Shermer Road, Suite 310 | Northbrook, IL 60062
Phone 847.786.2509 | Fax 847.786.2650
colie@lapointelaw.net | www.lapointelaw.net

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Circular 230 Disclosure: Any tax advice contained in this message was not intended or written to be used, and cannot be used (i) by any taxpayer for the purpose of avoiding any penalties that may be imposed on the taxpayer, or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

From: Fong Sandoval, Rudy [<mailto:Rudy.FongSandoval@nlrb.gov>]
Sent: Tuesday, September 23, 2014 3:46 PM
To: Mhairi L Whitton
Cc: Caralyn Olie; George S Howard
Subject: RE: Charges regarding rules in employee handbook

Yes, please. Thank you.

From: Mhairi L Whitton [<mailto:mwhitton@jonesday.com>]
Sent: Tuesday, September 23, 2014 12:24 PM
To: Fong Sandoval, Rudy
Cc: Caralyn Olie; George S Howard
Subject: Re: Charges regarding rules in employee handbook

Rudy:

Thank you for your email. In order to give us adequate time to respond, may we have an extension to Monday, September 29th?

Thank you,

Mhairi L. Whitton
Associate

[JONES DAY® - One Firm WorldwideSM](#)

12265 El Camino Real, Suite 300

San Diego, CA 92130

Office +1.858.314.1200

Direct +1.858.314.1137

Facsimile +1.858.314.1150

mwhitton@jonesday.com

From: "Fong Sandoval, Rudy" <Rudy.FongSandoval@nlrb.gov>
To: Caralyn Olie <colie@lapointelaw.net>, Mhairi L Whitton <mwhitton@jonesday.com>,
Cc: George S Howard <gshoward@jonesday.com>
Date: 09/23/2014 10:31 AM
Subject: Charges regarding rules in employee handbook

[Caralyn](#), good day to you.

As you know, presently there are two pending charges regarding alleged unlawful rules, 31-CA-127447 dealing with the no-solicitation/no distribution rule and charge 31-CA-132489 regarding an allegedly unlawfully broad confidentiality rule. These charges are for rules No. 8, 10., and 15, found on page 2 in the employee handbook currently being used at the McDonald's facility on 1071 W. Martin Luther King (MLK). The handbook in question is the one referenced in your position statement dated July 7, 2014.

The Region is requesting the following information for purposes of a potential remedy:

1. Is the handbook at issue at the 1071 MLK facility the same exact handbook being used at the McDonald's facility on 2215 W. MLK? As you know, there has been a new charge against 2215 MLK (31-CA-132489) and the Region understands that new facility is also owned by (b) (6), (b) (7)(C)

Mhairi, on this same topic, as legal representative of McDonald's USA LLC, being alleged as a joint employer, can you confirm/explain if the handbook being used at the two MLK facilities noted above, including page 2 containing the alleged unlawful rules, is a handbook issued/sanctioned by McDonald's USA LLC? Can you explain McDonald's USA LLC policies regarding which handbooks any of the owner operated facilities use? Is the handbook at issue currently in place at 1071 MLK one that is being used by all McDonald's facilities in southern California (both corporate owned and owner operated? in all of California, Nationwide?

I much appreciate your responses negating the need for protracted investigative subpoenas. Please be so kind to respond by Thursday September 25. Let me know if you need additional time to respond.

Rudy L. Fong Sandoval, Esq.
Field Attorney, Region 31
National Labor Relations Board
11500 West Olympic Blvd., Suite 600
Los Angeles, CA 90064
Tel: (310) 235-6418

Fax: (310) 235-7420

email: rudym.fong-sandoval@nrlb.gov

=====

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

=====

From: Fong Sandoval, Rudy
Sent: Wednesday, October 1, 2014 1:37 PM
To: Pierce, Danielle M.
Subject: RE: ULP against McD's facility on 2215 W. Martin Luther King Blvd.- 31-CA-135530- ownership?

Excellent work. This will help me to move the investigation along. Thank you!

From: Pierce, Danielle M.
Sent: Wednesday, October 01, 2014 10:35 AM
To: Fong Sandoval, Rudy
Subject: RE: ULP against McD's facility on 2215 W. Martin Luther King Blvd.- 31-CA-135530- ownership?

Rudy,

I performed a search on the property, and all of the records indicate that McDonalds Corp. is the owner of the property. When I do a search for individuals associated with that address, the only person to come up is (b) (6), (b) (7)(C). I confirmed that this is NOT (b) (6), (b) (7)(C) who is affiliated with D Bailey Management, which owns the 1071 location.

So it seems like the operator/franchise owner is (b) (6), (b) (7)(C) but I didn't find anything that definitely says who owns the franchise. I even tried searching for business licenses, but because it's within the City of LA, I can't look at the licensing info online. I have the personal report on (b) (6), (b) (7)(C) and the property report showing it is owned by McDonald's, and I will leave them in your box.

Danielle

Danielle Pierce

Board Agent
National Labor Relations Board, Region 31
11500 West Olympic Boulevard, Suite 600
Los Angeles, CA 90064
P. 310.235.7876
F. 310.235.7420
danielle.pierce@nrlrb.gov

From: Fong Sandoval, Rudy
Sent: Wednesday, October 01, 2014 6:56 AM
To: Pierce, Danielle M.
Subject: FW: ULP against McD's facility on 2215 W. Martin Luther King Blvd.- 31-CA-135530- ownership?

Daniel, good morning, how are you. I am contacting you in your capacity as compliance officer. I'm looking to see if there is anything you can do to help find out the ownership entity for the McDonald's facility located at 2215 W. Martin Luther King Blvd, (MLK) Los Angeles, CA 90008. This 2215 facility is apparently an owner operated franchise rather than a corporate operated store.

As you can see from the email I sent to the CP union noted below, the name of ER listed on the charge is incorrect as (b) (6), (b) (7)(C) dba McDonald's is apparently not the legal owner of the 2215 W. MLK Blvd. facility. It may help to know

that (b) (6), (b) (7)(C) does own a McDonald's at 1071 W. Martin Luther King Blvd., Los Angeles, CA 90037 (subject of several charges including 127447 and 132489) which up to yesterday, the Union and myself thought (b) (6) also owned the facility of the new charge (135530). I also included the email from the ER where they negate ownership.

An (b) (6), (b) (7)(C) working at the 2215 location summarily told me that (b) (6) believed the owner was (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C). I have already reached out to the Union but wanted to see if you could access any of your programs to "dig up" some more info.

Thank you!

From: Fong Sandoval, Rudy
Sent: Wednesday, October 01, 2014 6:38 AM
To: 'Jonathan Cohen'
Cc: 'Eli Naduris-Weissman'
Subject: ULP against McD's facility on 2215 W. Martin Luther King Blvd.- 31-CA-135530

Jonathan, to my surprise, legal counsel Caralyn Olie for the (b) (6), (b) (7)(C) facility at 1071 W. Martin Luther King Blvd., just told me yesterday they do not represent the McDonald's facility at 2215 W. Martin Luther King Blvd. and that (b) (6), (b) (7)(C) does not own that facility.

According to (b) (6), (b) (7)(C) affidavit, (b) (6) summarily stated that (b) (6) believed the store was operated by (b) (6), (b) (7)(C) who (b) (6) rarely sees. I called the store yesterday (since they are unrepresented) and talked to (b) (6), (b) (7)(C) and asked (b) (6) to have (b) (6), (b) (7)(C) labor relations person call me back. From past experiences, I am doubtful I will get a call back soon. I told Olie about (b) (6), (b) (7)(C) asked her for more follow ups but she said she was not at liberty to discuss those with me.

Can you check with LOAC and see what else they can "dig up" as to who owns the store at 2215 W. Martin Luther King? As of now, the charge may not have the proper legal entity for me to proceed with the investigation nor do I have a point person to contact from the employer. The sooner I get more information from you the better. I will also check with our compliance officer and see what we can dig up.

Thank you

Rudy L. Fong Sandoval, Esq.
Field Attorney, Region 31
National Labor Relations Board
11500 West Olympic Blvd., Suite 600
Los Angeles, CA 90064
Tel: (310) 235-6418
Fax: (310) 235-7420
email: rudy.fong-sandoval@nlrb.gov

From: Fong Sandoval, Rudy
Sent: Wednesday, October 01, 2014 6:14 AM
To: 'Caralyn Olie'
Subject: RE: Charge 135530 McD's at 2215 W. Martin Luther King Blvd., Los Angeles, CA

I understand. I will get back to you should there be any additional issues where I might need a response as to 2215 W. MLK. Thank you.

From: Caralyn Olie [<mailto:colie@lapointelaw.net>]

Sent: Tuesday, September 30, 2014 2:12 PM

To: Fong Sandoval, Rudy

Subject: RE: Charge 135530 McD's at 2215 W. Martin Luther King Blvd., Los Angeles, CA

Hi Rudy,

As we don't represent the owner of 2215 W. Martin Luther King at this time, I do not feel comfortable answering questions on your behalf. If we are retained in the future we will cooperate fully as we have with the charges filed against D. Bailey Management Company.

Best regards,
Cara

Caralyn Olie
LaPointe Law, P.C.

1200 Shermer Road, Suite 310 | Northbrook, IL 60062

Phone 847.786.2509 | Fax 847.786.2650

colie@lapointelaw.net | www.lapointelaw.net

From: Fong Sandoval, Rudy [<mailto:Rudy.FongSandoval@nlrb.gov>]

Sent: Tuesday, September 30, 2014 12:24 PM

To: Caralyn Olie

Subject: Charge 135530 McD's at 2215 W. Martin Luther King Blvd., Los Angeles, CA

Caralyn, thank you for your reply noted below. I left you a voice mail on it because I'm a bit confused.

My office sent you the letter acknowledging filing of the above-noted charge including a copy of the charge on 8.27.14. See attached. I also recall leaving you a voice mail on about 9.8 informally letting you know I would be providing details for 135530 soon. That is why your email below came as a surprise to me.

The evidence I have so far states that the McDonald's at 2215 W. Martin Luther King is owned by (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C). Based on your email below you do not represent that entity, I just called that McDonald's at 323 299 2259 and, obviously after introducing myself and explaining what the call was about, asked to speak to the representative of that facility and (b) (6), (b) (7)(C) told me that the owner of that facility was (b) (6), (b) (7)(C) was not in. I left a message to (b) (6), (b) (7)(C) call me back.

Can you shed any light on who owns the McDonald's at issue?

Thank you.

From: Fong Sandoval, Rudy
Sent: Friday, October 3, 2014 10:06 AM
To: 'Jonathan Cohen'
Subject: RE: ULP against McD's facility on 2215 W. Martin Luther King Blvd.- 31-CA-135530

I will ring you up to discuss name change.

From: Jonathan Cohen [mailto:jcohen@RSGLABOR.COM]
Sent: Wednesday, October 01, 2014 5:32 PM
To: Fong Sandoval, Rudy
Cc: Eli Naduris-Weissman
Subject: RE: ULP against McD's facility on 2215 W. Martin Luther King Blvd.- 31-CA-135530

Rudy,

The client tells me that 2215 MLK is owned by (b) (6), (b) (7)(C) not (b) (6), (b) (7)(C)

Jonathan Cohen
Rothner, Segall & Greenstone
510 South Marengo Avenue
Pasadena, California 91101-3115
(626) 796-7555
fax (626) 577-0124

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From: Fong Sandoval, Rudy [mailto:Rudy.FongSandoval@nlrb.gov]
Sent: Wednesday, October 01, 2014 6:38 AM
To: Jonathan Cohen
Cc: Eli Naduris-Weissman
Subject: ULP against McD's facility on 2215 W. Martin Luther King Blvd.- 31-CA-135530

Jonathan, to my surprise, legal counsel Caralyn Olie for the (b) (6), (b) (7)(C) facility at 1071 W. Martin Luther King Blvd., just told me yesterday they do not represent the McDonald's facility at 2215 W. Martin Luther King Blvd. and that (b) (6), (b) (7)(C) does not own that facility.

According to (b) (6), (b) (7)(C) affidavit, (b) (6) summarily stated that (b) (6) believed the store was operated by (b) (6), (b) (7)(C) who (b) (6) rarely sees. I called the store yesterday (since they are unrepresented) and talked to (b) (6), (b) (7)(C) and asked (b) (6) to have (b) (6), labor relations person call me back. From past experiences, I am doubtful I will get a call back soon. I told Olie about (b) (6), (b) (7)(C) asked her for more follow ups but she said she was not at liberty to discuss those with me.

Can you check with LOAC and see what else they can "dig up" as to who owns the store at 2215 W. Martin Luther King? As of now, the charge may not have the proper legal entity for me to proceed with the investigation nor do I have a point person to contact from the employer. The sooner I get more information from you the better. I will also check with our compliance officer and see what we can dig up.

Thank you

Rudy L. Fong Sandoval, Esq.
Field Attorney, Region 31
National Labor Relations Board
11500 West Olympic Blvd., Suite 600
Los Angeles, CA 90064
Tel: (310) 235-6418
Fax: (310) 235-7420
email: rudyl.fong-sandoval@nlrb.gov

From: Jonathan Cohen <jcohen@RSGLABOR.COM>
Sent: Friday, October 3, 2014 6:51 PM
To: Fong Sandoval, Rudy
Cc: Eli Naduris-Weissman
Subject: 2215 MLK

Hi Rudy,

I got your voice mail about the ownership issue at 2215 MLK. Sorry for not calling sooner – I was swamped today.

Your suggested course – withdrawal and re-filing – sounds fine to me, particularly since I don't think there are any 10(b) issues. I need to check in with the client – I'll try calling you Monday afternoon with final approval.

Thanks,

Jonathan Cohen
Rothner, Segall & Greenstone
510 South Marengo Avenue
Pasadena, California 91101-3115
(626) 796-7555
fax (626) 577-0124

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From: Fong Sandoval, Rudy
Sent: Monday, October 6, 2014 1:05 PM
To: 'Jonathan Cohen'
Cc: 'Eli Naduris-Weissman'
Subject: RE: 2215 MLK- ownership- withdrawal of 135530- refiling

Thank you Jonathan. In my recent communications with (b) (6), (b) (7)(C) I have confirmed with (b) (6), (b) (7)(C) the legal name of the owner for the McDonald's facility at 2215 W. MLK Blvd. There are no 10b problems given the incident at issue occurred the first week of August 2014. Consequently I appreciate if you can email me the withdrawal for 135530 today. Once I get your withdrawal, feel free to re-file the charge with the following name of employer:

Clear vision foods, Inc., dba Macdonald's and McDonald's USA LLC as joint employers.

Please send me a courtesy email once you have filed the new charge with the correct name. Thank you!

Rudy L. Fong Sandoval, Esq.
Senior Field Attorney, Region 31
National Labor Relations Board
11500 West Olympic Blvd., Suite 600
Los Angeles, CA 90064
Tel: (310) 235-6418
Fax: (310) 235-7420
email: rudy.fong-sandoval@nlrb.gov

From: Fong Sandoval, Rudy
Sent: Monday, October 6, 2014 1:13 PM
To: (b) (6), (b) (7)(C)
Subject: McDonald's location at 2215 W. Martin Luther King Blvd.

(b) (6), (b) (7)(C) per our discussions, I am confirming the legal name of the owner for the McDonald's facility at 2215 W. Martin Luther King Blvd., Los Angeles, CA 90008 to be: Clear Vision Foods, Inc., dba Macdonald's (located at said address.)

Please have your legal counsel contact me within a few days with his information so I can follow up on the details of the allegations made in charge 31-CA-135530 so he/she can provide a response.

Thank you for your continued cooperation.

Rudy L. Fong Sandoval, Esq.
Field Attorney, Region 31
National Labor Relations Board
11500 West Olympic Blvd., Suite 600
Los Angeles, CA 90064
Tel: (310) 235-6418
Fax: (310) 235-7420
email: rudy.fong-sandoval@nrlrb.gov

LOG for all McD's on 2215 W. Martin Luther King 135530

2215 W. Martin Luther King Jr Blvd.
Los Angeles, California 90008

Phone: (323)299-2259

CP- Jonathan Cohen 626 796-7555

(b) (6), (b) (7)(C) clear vision foods, dba, mcdonalds

Lupe Palma- 213 379-4954

separate case-109095 agaisnt mcdds

9.8

Left mv for ER legal olie would be following up with details of allegation in 135530.

9.30

Got email from ER's legal for (b) (6), (b) (7)(C) saying that they don't represent this facility and this facility not owned by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C). Confirms owned by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C)

10/1

Got cal from (b) (6), (b) (7)(C) saying clear vision foods is correct owner. Says has an atty that will represent (b) (6), (b) (7)(C). Gave (b) (6), (b) (7)(C) my e-mail and asked (b) (6), (b) (7)(C) to have (b) (6), (b) (7)(C) atty. Email me. Says atty may have to ask for more time.

Fri 10/3

Informed CP of ownership issue. Per CP's email... will check with client and most likely withdraw. Discussed no 10b problems.

10/6

Have not heard from owner's legal. Called (b) (6), (b) (7)(C) and told (b) (6), (b) (7)(C) so. (b) (6), (b) (7)(C) repeated legal name of owner as: Clear vision foods, inc., dba Macdonald's and McDonald's USA LLC as joint employers. located at 2215.. told (b) (6), (b) (7)(C) to have (b) (6), (b) (7)(C) atty contact me. I also said I would follow up in email to (b) (6), (b) (7)(C) to have atty contact me. (b) (6), (b) (7)(C)

10/10

Checked with CP and confirmed withdrawal of charge. Has already refilled charge with proper legal entity.

NXGEN Disposition Sheet

Case Due (Month): Oct.Case Name: Donald Bailey dba Mco'sDecision Date: 10-14-14Case Number: 31-CA-135530Agenda Minute: N/ABoard Agent: R. Fong-SandvalSupervisor: GeeCategory: 12Bargaining
Status☐Existing
Contract☒

None

☐Organizing
Campaign☐Seeking Initial
Contract☐Seeking Succeeding
Contract

(1) Check the appropriate action

(2) mark *all* allegation types that apply, as follows:☐ Partial Action, please state the status of the remaining allegation(s):☐ RD Determination

M=Merit; X=No merit, D =Defer; A=Advice

☐ WithdrawalW=withdrawn not adjusted; A=Adjusted☒ Solicited☐ Unsolicited

Forward with recommendation

☒ Verbal☐ Written

Reason for WD:

☐ Case set for dismissal☐ Charging and Charged Party have resolved the dispute alleged in the charge☐ (Regional Office Remedies Attached)☒ Charging Party does not wish to proceed for reasons other than above-listed reasons☐ Advice Issuance Action

Forward with draft

√= allegation type submitted to Advice

Check advice type on back

☐ Complaint Issuance

Forward with draft complaint

√= allegation type in Complaint

☐ Deferral/Abeyance Issuance

Forward with draft letter

C=Collyer; D=Dubo; A=Abeyance

☐ Dismissal Issuance

Forward with draft letter

D=Dismissed; A=Adjusted w/ Remedies Sheet attached

☐ Merit DismissalWere the reasons for proposed dismissal in absence of WD given in detail to ☐ CP or ☐ Atty? ☐ No or ☐ Yes on _____ date
in person, _____ by phone or ☐ in writing.On refusal to withdraw, was the ☐ CP or ☐ Atty informed, pursuant to outstanding instructions, that a summary report setting forth the reasons for dismissal would be included in the dismissal letter unless CP or Atty specifically stated no such report was desired? ☐ Yes or ☐ No If not, why not? _____Was the offer of a summary report in dismissal letter rejected by ☐ CP or ☐ Atty? ☐ Yes or ☐ No Was the ☐ CP or ☐ Atty informed that the Charged Party would receive a copy of the dismissal letter? ☐ Yes or ☐ No.☐ Settlement Approval

Forward with draft settlement

Formal: √= allegation type in Settlement

☐ Formal ☐ Informal ☐ Non-Board

Informal: B = Bilateral; U=Unilateral

8(a)(1)

☒ Coercive Statements (Threats, Promises of Benefits, etc.)☐ Concerted Activities (Retaliation, Discharge, Discipline)☐ Denial of Access☐ Discharge of supervisor (Parker-Robb Chevrolet)☐ Coercive Actions (Surveillance, etc)☐ Weingarten☐ Interrogation (including Polling)☐ Lawsuits☐ Coercive Rules

8(a)(2)

☐ Assistance☐ Domination☐ Unlawful Recognition

8(a)(3)

☐ Changes in Terms and Conditions of Employment☐ Discharge (Including Layoff and Refusal to Hire (not salting))☐ Discipline☐ Lockout☐ Retaliatory Lawsuit☐ Refusal to Consider/Hire Applicant (salting only)

8(a)(3)(cont.)

☐ Refusal to Hire Majority☐ Refusal to Reinstate E'ee/Striker (e g Laidlaw)☐ Shutdown or Relocate/ Subcontract Unit Work☐ Union Security Related Actions

8(a)(4)

☐ Changes in Terms and Conditions of Employment☐ Discharge (including Layoff and Refusal to Hire)☐ Discipline☐ Shutdown or Relocate/ Subcontract Unit Work☐ Refusal to Reinstate Employee/Striker

8(a)(5)

☐ Alter Ego☐ Refusal to Bargain/Bad Faith Bargaining (incl'g surface bargaining/direct dealing)☐ Failure to Sign Agreement☐ Repudiation/Modification of Contract[Sec 8(d)/Unilateral Changes]☐ Refusal to Furnish Information☐ Refusal to Recognize☐ Shutdown or Relocate (e g First National Maint). Subcontract Work

NXGEN Disposition Sheet

Page 2

8(b)(1)(A)

- ☐ Coercion, incl'g Statements and Violence
- ☐ Denial of Access
- ☐ Discipline (including charges/fines)/Harassment
- ☐ Duty of Fair Representation, incl'g Superseniority, denial of access
- ☐ Union Dues and/or Membership Related (including excessing fees)
- ☐ Hiring Halls
- ☐ Picketing/Strike Actions
- ☐ Rules: Coercive

8(b)(1)(B)

- ☐ Fund Contribution Related
- ☐ Lawsuits
- ☐ Other Allegations
- ☐ Statements/Threats/Violence

8(b)(2)

- ☐ Hiring Hall Related
- ☐ Lawsuits
- ☐ Union Security Related Actions
- ☐ Causing Employer to Discriminate/Retaliate

8(b)(3)

- ☐ Refusal to Bargain/Bad Faith or Surface Bargaining
- ☐ Failure to Sign Agreement
- ☐ Refusal to Furnish Information
- ☐ Repudiation/Modification of Contract

8(b)(4)(A)

- ☐ Picketing/Handbilling
- ☐ Lawsuits/Grievances
- ☐ Statements

8(b)(4)(B)

- ☐ Picketing/Handbilling
- ☐ Lawsuits/Grievances
- ☐ Statements

8(b)(4)(C)

- ☐ Picketing
- ☐ Lawsuits/Grievances
- ☐ Statements

8(b)(4)(D)

- ☐ All allegations

8(b)(5)

- ☐ All allegations

8(b)(6)

- ☐ All allegations

8(b)(7)(A)

- ☐ All allegations

8(b)(7)(B)

- ☐ All allegations

8(b)(7)(C)

- ☐ All allegations

8(e)

- ☐ All Allegations against a Labor Organization
- ☐ All Allegations against an Employer

8(g)

- ☐ All allegations

Check Advice Type

- ☐ Original Submission
- ☐ Resubmission as to ALJD
- ☐ Resubmission as to EAJA Issue
- ☐ Resubmission with New Facts
- ☐ Resubmission for Reconsideration
- ☐ Resubmission on Remand from Advice
- ☐ Resubmission as to Proposed Settlement

If Applicable:

Check Closing Stage of Case

Timing

- ☐ After ALJ Decision
- ☐ After Board Order – Automatic Decision
- ☐ After Board Order – Contested Decision
- ☐ After Board Order – Stipulated Decision
- ☐ After Complaint, Before Hearing
- ☐ After Consent Court Judgment
- ☐ After Contested Court Judgment
- ☐ After Contempt Judgment
- ☐ After Hearing Closed
- ☐ After Hearing Opened, Before Hrg. Closed
- ☐ After Supreme Court Judgment
- ☐ Pre 10(k) Notice of Hearing
- ☒ Pre-Complaint
- ☐ After 10(k) Notice, Before Hearing

☒ NxGen file is completed.

☐ HOT TOPIC designated. Circle all applicable.

| | |
|--|-------------------------------------|
| Cessation of Dues Check-off | Recess Appointments |
| Information Requests for Financial Records | Discharge Organizing Campaign |
| Use of Employer E-mail | Noel Canning |
| Social Media | <u>Fast Food</u> |
| Post Arbitration Deferral | Challenges to Acting GC's Authority |
| Employer Mandatory Arbitration Policy | |

Acting

Method

- ☐ Compliance with 10(k) Board Determination
- ☐ Withdrawal, adjusted
- ☐ Dismissal, adjusted
- ☐ Compliance with ALJ Decision
- ☐ Compliance with Board Decision
- ☐ Compliance with Court Judgment
- ☐ Dismissal, not adjusted
- ☐ Compliance with Formal Settlement
- ☐ Compliance with Informal Settlement
- ☐ Transferred
- ☒ Withdrawal, not adjusted
- ☐ Without Full Compliance with Board Decision
- ☐ Without Full Compliance with Court Judgment
- ☐ Without Full Compliance w/Formal Settlement
- ☐ Without Full Compliance w/Informal Settlement

On 10-14-14 date, CP or ✓ Atty verbally in writing withdrew the instant charge. I recommend approval

[Signature]
(Board Agent's signature)

10-14-14
(Date)

Withdrawal request approved

10-15-14
(Date)

[Signature]
Regional Director, Region 31
National Labor Relations Board



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 31
11500 W Olympic Blvd Ste 600
Los Angeles, CA 90064-1753

Agency Website: www.nlrb.gov
Telephone: (310)235-7351
Fax: (310)235-7420

October 15, 2014

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SAN DIEGO, CA 92130

Re: Donald Bailey d/b/a McDonald's &
McDonald's USA LLC as single/joint
employer
Case 31-CA-135530

Dear Mr. Howard and Mr. Whitton:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Brian D. Gee
Acting Regional Director

cc: DONALD BAILEY D/B/A MCDONALD'S LOS ANGELES ORGANIZING
& MCDONALD'S USA LLC AS COMMITTEE
SINGLE/JOINT EMPLOYER POST OFFICE BOX 555065
2215 W. MARTIN LUTHER KING BLVD. LOS ANGELES, CA 90055
LOS ANGELES, CA 90008

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